

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 429 - HB 620

March 15, 2021

**SUMMARY OF ORIGINAL BILL:** Adds a patient's home or a remote location chosen by the patient as a qualified site location a patient may receive behavioral health telemedicine services. Authorizes audio-only conversation when providing behavioral health telemedicine services if certain means of communication are unavailable.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005091):** Deletes all language after the enacting clause. Authorizes Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) compliant audio-only conversation when providing behavioral health provider-based telemedicine services if certain means of communication are unavailable.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 56-7-1003(a)(6), provider-based telemedicine includes: real-time, interactive audio, video telecommunications or electronic technology, or store-and-forward telemedicine services, but does not include audio-only conversations.
- Based on information provided by the Division of TennCare (Division), the Division's managed care organizations (MCOs) are currently reimbursing for audio-only behavioral health telemedicine encounters under provisions of the public health emergency (PHE).
- Passage of the proposed legislation will require the Division to continue to provide coverage for audio-only conversations once the PHE ends.
- The timing of when the Division would stop providing coverage for audio-only conversations is unknown at this time; additionally, according to the Division, the portion of audio-only telehealth coverage that has been provided is unknown.

- In the absence of this legislation, it is reasonably assumed that patients will seek telehealth or in-person options that are covered by TennCare, rather than forego health services all together; therefore, any impact on the Division is estimated to be not significant.
- Based on information provided by the Division of Benefits Administration, the contracted behavioral health vendor for the State, Local Education, and Local Government Plan currently provides coverage for audio-only conversations; therefore, any fiscal impact is estimated to be not significant.
- The proposed legislation will not impact any programs or policies of the Department of Commerce and Insurance; therefore, any fiscal impact is estimated to be not significant.

### **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- No significant fiscal impact to jobs or commerce in Tennessee.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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